

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK LEE HART	:	CIVIL ACTION
	:	
v.	:	
	:	
DAVID DIGUGLIELMO, et al.	:	NO. 08-2987

ORDER

AND NOW, this 8th day of December, 2008, upon careful and independent consideration of Frank Lee Hart's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry #1), the Report and Recommendation of the Honorable Elizabeth T. Hey (docket entry #8), Hart's objections to the Report and Recommendation, and the Court finding that Judge Hey correctly analyzed the timeliness issues plaguing Hart's petition, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for writ of habeas corpus is DENIED WITHOUT PREJUDICE;
3. Petitioner having made no substantial showing of a denial of a constitutional right, we DECLINE to issue a certificate of appealability; and
4. The Clerk shall CLOSE this civil action statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.